

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF IOWA**

In Re:)	
)	
Eugene Patrick Gehl, <i>Debtor</i>)	
)	Case No. 15-00948-lmj13
U.S. Bank Trust National Association as Trustee of the Tiki)	
Series III Trust, by SN Servicing Corp., <i>Creditor</i>)	Chapter: 13
)	
vs.)	
)	
Eugene Patrick Gehl, <i>Debtor</i>)	
)	
and)	
)	
Carol F Dunbar, <i>Trustee</i>)	<i>Date entered on docket: October 11, 2018</i>

CONDITIONAL ORDER RESOLVING MOTION FOR RELIEF FROM STAY
WITH CURATIVE PROVISIONS

THIS matter comes before the Court for hearing upon the Motion of U.S. Bank Trust National Association as Trustee of the Tiki Series III Trust, by SN Servicing Corp., its subsidiaries, affiliates, predecessors in interest, successors or assigns ("Creditor"), for Relief from the Automatic Stay. The appearances are Lisa C. Billman of the firm of SouthLaw, P.C.; and Eugene Patrick Gehl, by Joel A Deutsch. The Court makes the following findings:

1. A motion for order granting relief from stay was filed on September 18, 2018, and copies were mailed to Trustee and to Debtor and counsel for Debtor. Proper notice with an opportunity for hearing on the motion for relief was served on all interested parties.

2. Creditor claims a secured interest in real property described as follows:

Land Situated in the City of DAVENPORT in the County of Scott in the State of IA The East Forty-seven (47) feet of Lot Six (6) in Block Twenty-four (24) in Lambrite's First Addition to the City of Davenport, Iowa, as shown upon the Plat recorded at Pages 173 and 174, Book "E" of Town Lot Deeds, records of Scott County, Iowa., commonly known as 619 E Laurel St, Davenport, IA 52803 (the "Property").

3. Debtor acknowledges and the Court finds that Debtor failed to make certain post-petition payments due under the Promissory Note and Security Instrument described in Creditor's motion. Debtor

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is due for (7) payments at \$705.88 (01/17 – 07/17), (12) payments at \$670.82 (08/17 – 07/18), (2) payments at \$699.12 (08/18 – 09/18), the MFR filing fee of \$181.00, and MFR attorney fees of \$850.00, less a Suspense Balance of \$17.38, for a total due of \$15,402.86. The Court further finds that this constitutes sufficient cause pursuant to 11 U.S.C §362(d) to lift the Automatic Stay.

4. Notwithstanding Finding number three of this Order, the parties consent and agree to the terms and conditions of this stipulation in full and complete settlement of the Motion for Relief from Automatic Stay.

5. The Debtor agrees to abide by the terms of this agreement and further agrees to cure the post-petition arrearage according to the following payment schedule:

Arrearage Payment	Due Date
\$1,711.43	10/15/18
\$1,711.43	11/15/18
\$1,711.43	12/15/18
\$1,711.43	01/15/19
\$1,711.43	02/15/19
\$1,711.43	03/15/19
\$1,711.43	04/15/19
\$1,711.43	05/15/19
\$1,711.42	06/15/19

6. Debtor also agrees to make the on-going post-petition payments when due and as called for under the terms of the Promissory Note and Security Instrument beginning with the **October 1, 2018** payment. Debtor acknowledges that these regular on-going payments are **in addition to** the payments on the arrearage indicated in Finding number five of this Order.

7. All payments under this agreement shall be paid directly to SN Servicing Corp. Once the arrearage has been paid in full, Debtor shall revert to making the normal current monthly payments when due and as called for under the terms of the Promissory Note and Security Agreement. Time is of the

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essence to all payments.

8. Should Debtor fail to make **any** of the payments called for above, Creditor shall be then entitled to immediately notify the Court, Debtor, Debtor's counsel and Trustee in writing, of the delinquency. If Debtor fails to fully cure the delinquency within fifteen (15) days, then Creditor may file an Affidavit with this Court specifying with particularity the nature of the default. Upon the filing of such an Affidavit of Default, this Order shall become effective immediately and the stay shall be annulled without further action of Order of this Court.

9. Furthermore, Debtor and Creditor agree that if Debtor, at any time after execution of this Conditional Order, converts this Chapter 13 bankruptcy case to a case under Chapter 7, Creditor shall be then entitled to immediately notify the Court, Debtor, Debtor's counsel and Trustee in writing, of the contractual delinquency. If the Debtor fails to fully cure the contractual delinquency within fifteen (15) days, then Creditor may file an Affidavit with this Court specifying with particularity the nature of the default. Upon the filing of such an Affidavit of Default, this Order shall become effective immediately and the stay shall be annulled without further action of Order of this Court.

IT IS FURTHER ORDERED that said Order for Relief from the Automatic Stay shall be effective immediately and that there shall not be a stay of enforcement of this Order pursuant to Federal Rule of Bankruptcy Procedure 4001(a)(3), and

IT IS THEREFORE ORDERED, ADJUDGED, AND AGREED that the above findings shall become orders of this Court


IT IS SO ORDERED.

/s/ Lee M. Jackwig
Judge, U.S. Bankruptcy Court

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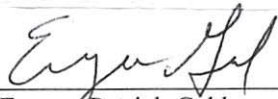
Approved as to form and content:

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The Debtor, Eugene Patrick Gehl, having read the above order, hereby acknowledges the terms of the order and agrees to same.



Eugene Patrick Gehl